

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 23-###

**AN ORDINANCE AMENDING SECTION 153.156 OF THE
WEST ST. PAUL CITY ZONING CODE REGARDING
SPECIALTY INTOXICATING THC RETAILERS**

The City of West Saint Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul City Code Section 153.156 is hereby amended as follows:

§ 153.156 CONDITIONAL USES.

Within the B-2 Neighborhood Business District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Any conditional use regulated in the B-1 District, § 153.141;
- (B) Accessory structures other than private garages;
- (C) Mixed use residential/commercial;
- (D) Drive-through lanes, subject to the following provisions.
 - (1) They are not permitted in a front yard or within the setback area.
 - (2) Adequate stacking distance must be provided, as determined by the city, which does not interfere with other driving areas, parking spaces or sidewalks.
 - (3) Electronic speaker devices must not be audible beyond the property line and must not be operated between 10:00 p.m. and 7:00 a.m.
 - (4) Screening of automobile headlights must be provided. Screening must be at least three feet in height and fully opaque, consisting of a wall, fence, dense vegetation, berm or grade change or similar screening as determined by the city.
 - (5) A by-pass lane must be provided, allowing autos to exit the drive-through lane from the stacking area.
- (E) Funeral homes and mortuaries;
- (F) On-sale liquor establishments;
- (G) Outdoor seating, subject to following provisions.
 - (1) Seating areas shall be shown on a seating plan, identifying the number of tables and chairs and their approximate location.
 - (2) Seating areas shall be located on private property.
 - (3) Seating areas shall not obstruct required accesses, entrances or exits.
 - (4) A minimum of a four-foot walkway shall be provided between tables.

- (5) If the principal use abuts a residential zoning district, outdoor electronic speaker devices shall not be operated between 9:00 p.m. and 7:00 a.m. For all other zoning districts, outdoor electronic speaker devices shall not be operated between 10:00 p.m. and 7:00 a.m.
- (6) Tables and chairs shall be maintenance free furniture that enhances the appearance of the business.
- (7) No food or beverages shall be served outside of the seating area.
- (8) Lighting shall only illuminate the seating area. Lighting levels must not exceed zero foot-candles at the abutting property line.
- (9) All tables and chairs shall be kept in a clean and sanitary manner. Outdoor trash receptacles shall be provided.
- (10) For outdoor seating areas for up to eight seats:
 - (a) No tables, chairs or other furnishings shall remain in the seating area when the business is closed;
 - (b) No additional parking spaces shall be required; and
 - (c) No alcoholic beverages shall be served in the seating area, except for non-fortified wine.
- (11) For outdoor seating areas for more than eight seats:
 - (a) The seating area shall be enclosed by approved landscaping and fencing;
 - (b) The outdoor seating area shall be entered only through the principal building. There shall be no exit gates from the outdoor seating area unless required by the Building Code;
 - (c) In addition to the required number of parking spaces pursuant to the principal use, additional parking shall be required at a ratio of one parking space for every four seats in the outdoor seating area; and
 - (d) Signage shall be posted that prohibits the consumption of alcohol outside of the seating area.
- (H) Private lodges and clubs, country clubs or fraternal organizations;
- (I) Veterinary establishments limited to domestic animals and conducted entirely within a building;
- (J) Any building over 35 feet in height;
- (K) Car washes, as regulated in § 153.382;
- (L) Motor fuel stations, as regulated in § 153.382;
- (M) Vehicle repair, minor, as regulated in § 153.382;
- (N) Used merchandise stores, provided all of the following conditions are met.
 - (1) Used merchandise is limited to clothing and related accessories.
 - (2) The transfer or sale of merchandise is conducted entirely inside a building.

- (3) There is no outdoor storage of any kind.
- (4) The floor area for the use is no greater than 2,000 square feet.
- (O) Tattoo, body piercing or body art establishment, except spa establishments engaged solely in cosmetic tattooing as defined in Code § 111.06; ~~and~~
- (P) Off sale liquor stores; and
- (Q) Specialty intoxicating THC product retailers, as defined in § 114.02, provided that the establishment is located at least:
 - (1) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a school as defined in Code § 114.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statute Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The amendment allows specialty intoxicating THC product retailers in the B2, B3, and B4 business zoning districts as a conditional use.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 13th day of March 2023.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk